

HEARING DATE AND TIME: JULY 22, 2010 AT 9:00 A.M. (EASTERN)
OBJECTION DEADLINE: JUNE 7, 2010 AT 5:00 P.M. (EASTERN)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:	:	Chapter 11
DPH HOLDINGS CORP., <i>et al.</i> ,	:	Case No. 05-44481 (RDD)
Debtors.	:	(Jointly Administered)
-----	X	
DPH HOLDINGS CORP., <i>et al.</i> ,	:	
Plaintiffs,	:	Adv. Pro. No. 07-02619 (RDD)
Against	:	
SETECH INC. and SETECH,	:	
Defendants.	:	
-----	X	

NOTICE OF SETECH, INC.'S MOTION TO VACATE AND TO DISMISS¹

PLEASE TAKE NOTICE that upon the annexed *Setech, Inc.'s Motion to Vacate and to Dismiss* (the “**Motion**”), the Declaration of Richard M. Eddinger dated May 12, 2010 (the “**Eddinger Declaration**”), the exhibits to the Eddinger Declaration, and the points and authorities contained in the Motion submitted herewith; the Summons and Complaint, and upon all the papers and proceedings previously had herein, Defendant Setech, Inc., by its undersigned counsel, shall move this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, on July 22, 2010 at 9:00 a.m. or such other date and time as soon thereafter as the Court may direct, for an Order (i) vacating the prior Extension Orders (as defined in the Motion) and (ii) dismissing the above-captioned adversary proceeding with prejudice.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, in opposition to the relief requested shall be filed with the Court and served upon the undersigned counsel no later than June 7, 2010 at 5:00 p.m. (the “**Opposition Deadline**”).

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the Motion and the relief requested therein must be made in writing, conform to the Bankruptcy Rules and the Local Bankruptcy Rules for the Bankruptcy Court, and be filed with the Bankruptcy Court electronically in accordance with General Order M-242 (General Order M-242 and the User’s Manual for the Electronic Case Filing System which can be found at www.nysb.uscourts.gov, the official website for the Bankruptcy Court), by registered users of the Bankruptcy Court’s case filing system and, by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format and shall be served in accordance with General Order M-242, with a courtesy copy delivered to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy

¹ This Motion is filed in both the main case and in the Adversary Proceeding because the relief requested herein applies to both the contested matters and the Adversary Proceeding matters as they relate to the Extension Orders (defined in the Memorandum in Support of the Motion).

Judge, and served on the undersigned in accordance with General Order M-182, so as to be received no later than the Opposition Deadline.

Date: May 14, 2010

Respectfully submitted,

/s/ Robert C. Goodrich Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2010, the foregoing *Notice of Motion, Setech, Inc.'s Motion to Vacate and to Dismiss and Declaration of Richard M. Eddinger* was electronically filed through the Court's CM/ECF system and served upon the following persons in the manner indicated:

- i. Electronic service upon all Filing Users accepting Notice of Electronic Filing; and
- ii. Overnight courier service to the persons included on the attached Service List.

/s/ Jinjue Pak
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